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SUPPORT BY THE UNITED NATIONS SYSTEM OF THE EFFORTS OF GOVERNMENTS TO PROMOTE AND CONSOLIDATE NEW OR RESTORED DEMOCRACIES

Letter dated 24 June 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Slovakia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I have the honour to transmit herewith the text of an aide-mémoire issued on 20 June 1997 by the Ministry of Foreign Affairs of the Slovak Republic (annex I) concerning the statement on the referendum in Slovakia issued on 30 May 1997 by the Presidency of the European Union (A/52/167) as well as the text of the relevant decision of the Constitutional Court of the Slovak Republic (annex II).

I should be grateful if you would have the text of the letter and its annexes circulated as a document of the General Assembly, under item 38 of the preliminary list.

(Signed) Jan VARŠO
Chargé d'affaires a.i.
of the
Permanent Mission of the Slovak
Republic to the United Nations

* A/52/50.

ANNEX I

Aide-mémoire issued on 20 June 1997 by the Ministry of Foreign Affairs of the Slovak Republic

In connection with the letter dated 2 June 1997 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General with the annexed statement on the referendum in Slovakia issued on 30 May 1997 by the Presidency of the European Union which was circulated as a document of the General Assembly (A/52/167) under item 38 of the provisional agenda of the fifty-second session of the General Assembly, the Ministry of Foreign Affairs of the Slovak Republic wishes to state the following:

The Slovak party has informed representatives of the Commission of the European Union as well as the States members of the latter on all legislative, legal and internal political aspects relating to the preparation and subsequent conduct of the referendum on membership in the North Atlantic Treaty Organization (NATO), including the fourth question on direct presidential elections which proved to be invalid from the legislative point of view.

In the course of negotiations, the attention of the representatives of the European Union was drawn to the fact that, in accordance with the decision of the Constitutional Court of the Slovak Republic (see annex II), the fourth question on direct presidential elections, as drafted, was incompatible with the relevant provision of the Law of the National Council of the Slovak Republic No. 564/1992 on the Modalities of Conduct of a Referendum.

The joining of two unrelated issues in one referendum and the lack of clarity with regard to the preparation and conduct of the referendum led in the end to an undesirable outcome and rendered the referendum invalid, with the participation of less than 10 per cent of the eligible voters.

The Government of the Slovak Republic has been dealing seriously with the issues which this referendum has placed before the citizens of Slovakia. The referendum has revealed loopholes in the current legislation as well as a need to adopt in both a constitutional and a democratic manner those measures in the legal system which will prevent an ambiguous interpretation of legal norms.

The Government of the Slovak Republic adheres to the concepts of the strengthening of the principles of democracy and the rule of law and, in accordance with the priorities of its foreign policy, continues to make every effort to achieve membership in crucial Euro-Atlantic political, security and economic organizations.

ANNEX II

Decision of the Constitutional Court of the Slovak Republic, 21 May 1997

The Constitutional Court of the Slovak Republic, upon the request of a group of the members of the National Council of the Slovak Republic, deliberated upon a submission of the latter at a closed session on 21 May 1997, and hereby gives the following

Interpretation

of article 72 and article 93, paragraph 2, of the Constitution of the Slovak Republic:

1. The legislative power in the Slovak Republic is regulated in a twofold manner. This power belongs not only to the National Council of the Slovak Republic, but also directly to the citizens. The Constitution of the Slovak Republic does not contain a prohibition stating that the question of a change of the Constitution or part of it cannot be the subject of a referendum in accordance with article 93, paragraph 2, of the Constitution of the Slovak Republic.

2. The annex to the decision of the President of the Slovak Republic No. 76/1997 on promulgation of the referendum on the question stated in part I b/4 of the decision is incompatible with article 2, paragraph 3, of the Law of the National Council of the Slovak Republic No. 564/1992 on the Modalities of Conduct of a Referendum by which, in accordance with article 100 of the Constitution of the Slovak Republic, the constitutional regime of the modalities of conduct of a referendum is governed.